

### REMARKS

Claims 1-5 have been amended, claims 6-8 have been cancelled and claim 9 has been added. No new matter has been added by virtue of these amendment. Support therefor can be found throughout the specification and in the original claims.

Claims 3, 5 and 8 were objected to on the basis of certain informalities. In particular, the Office Action alleges that claims 3 and 5 fail to limit the subject matter of claim 1. Additionally, claim 8 is objected to for being dependent upon a non-elected claim.

Applicants believe that the within amendments obviate each of the noted objections. In particular, independent claim 1 now recites a *method* for treating solid tumors, comprising administering a Pulsatillae radix extract as an active ingredient, wherein the Pulsatillae radix extract contains hederagenin 3-O- $\alpha$ -L-rhamnopyranosyl(1 $\rightarrow$ 2)-[ $\beta$ -D-glucopyranosyl(1 $\rightarrow$ 4)] - $\alpha$ -L-arabinopyranoside. Claims 3 and 5 recite preferred dosage administrations, thus these claims properly limit the subject matter of claim 1. Additionally, claim 8 has been cancelled and the subject matter thereof has been rewritten as new claim 9.

Reconsideration and withdrawal of these objections are requested.

Claims 1-5 and 8 stand rejected under 35 U.S.C. §102(b) over Baik et al. (US Patent 5,980,870).

Applicants respectfully submit that the cited reference does not teach or suggest the methods of the invention in a manner sufficient to sustain the instant rejection. Indeed, the within amendments are believed to wholly obviate the rejection. As noted above, the claims of the application have been amended to recite a *method* for treating solid tumors, comprising administering a Pulsatillae radix extract as an active ingredient, wherein the Pulsatillae radix

extract contains hederagenin 3-O- $\alpha$ -L-rhamnopyranosyl(1 $\rightarrow$ 2)-[ $\beta$ -D-glucopyranosyl(1 $\rightarrow$ 4)] - $\alpha$ -L-arabinopyranoside.

Baik et al., is cited merely for its report of a dental composition which contains among other things, an alcoholic/aqueous extract of Pulsatilla root (radix). The cited reference provides no teaching of the methods of the present invention.

The §102 rejection is therefore properly withdrawn. See, for example, *In re Marshall*, 198 USPQ 344, 346 (CCPA 1978) ("[r]jections under 35 U.S.C. §102 are proper only when the claimed subject matter is identically disclosed or described in the prior art.")

In view of the within amendments and remarks, it is respectfully submitted that the §102 rejection be withdrawn.

It is believed the application is in condition for immediate allowance, which action is earnestly solicited.

Respectfully submitted,



Christine C. O'Day (Reg. 38,256)  
EDWARDS & ANGELL, LLP  
P.O. Box 55874  
Boston, MA 02205  
Tel. (617) 439-4444